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The rule of law at the national and international levels

Report of the Sixth Committee

Rapporteur: Mr. Adam **Mulawarman Tugio** (Indonesia)

I. Introduction

1. The item entitled "The rule of law at the national and international levels" was included in the provisional agenda of the sixty-second session of the General Assembly pursuant to Assembly resolution 61/39 of 4 December 2006.

2. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 14th, 15th, 16th and 28th meetings, on 25 and 26 October and 19 November 2007. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/62/SR.14-16 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the comments and information received from Governments on the rule of law at the national and international levels (A/62/121 and Add.1);

(b) Interim report of the Secretary-General on the rule of law at the national and international levels (A/62/261).

II. Consideration of draft resolution A/C.6/62/L.9

5. At the 28th meeting, on 19 November, the representative of Liechtenstein, on behalf of the Bureau, introduced and orally revised a draft resolution entitled "The rule of law at the national and international levels" (A/C.6/62/L.9).

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6. At the same meeting, the Committee adopted draft resolution A/C.6/62/L.9, as orally revised, without a vote (see para. 8).

7. After the adoption of the draft resolution, the representative of Germany made a statement in explanation of position (see A/C.6/62/SR.28).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 61/39 of 4 December 2006,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming also that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming further the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

Recalling paragraph 134 (e) of the 2005 World Summit Outcome,[1]

1. *Reiterates its request* to the Secretary-General to prepare an inventory of the current activities of the various organs, bodies, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels for submission at its sixty-third

[1] See resolution 60/1.

session, and welcomes the interim report thereon submitted to the General Assembly at the sixty-second session;[2]

2. *Also reiterates its request* to the Secretary-General to prepare and submit, after having sought the views of Member States, at its sixty-third session, a report identifying ways and means for strengthening and coordinating the activities listed in the inventory to be prepared pursuant to paragraph 1 above, with special regard to the effectiveness of assistance that may be requested by States in building capacity for the promotion of the rule of law at the national and international levels;

3. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

4. *Notes with appreciation* the report of the Secretary-General entitled "Uniting our strengths: enhancing United Nations support for the rule of law"[3] supports the Rule of Law Coordination and Resource Group, supported by the rule of law unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General, and requests the Secretary-General to provide details on the staffing and other requirements for the unit without delay to the General Assembly for its consideration during the sixty-second session in accordance with existing relevant procedures;

5. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "The rule of law at the national and international levels".

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[2] A/62/261.

[3] A/61/636-S/2006/980 and Corr.1.